

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

May 5, 1999
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Verna Kelly, Denis Anderson, Ron Christianson, Bruce DeBlieck, Douglas Reese, Jim Dokken, and Rick Fagerlie; Present 8, Absent 1 - Nancy Houlahan was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Park and Leisure Services Director Dale Johnson, Public Safety Director Dan Strootman, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

Addition to the Agenda included rights-of-way ordinance, MUC intergovernmental transfer, and Frank Chapin's resignation from the Airport Commission.

Council Member Kelly offered a motion adopting the Consent Agenda, which included the following: City Council Minutes of April 21, Municipal Utilities Commission Minutes of April 26, Rice Hospital Minutes of April 28, and Human Rights Commission Minutes of March 16, 1999. Council Member DeBlieck seconded the motion, which carried.

At 7:02 p.m. Mayor Heitke opened the assessment hearing for Project Nos. 9901/9902/9903. Public Works Director Odens reviewed the 1999 street and other improvements and explained the proposed assessments. Gerald Carlson, Frank Yanish, Dave Moody, Don Woltjer, and Paul Ivers addressed the Mayor and Council with various concerns, and Mayor Heitke read into the record any correspondence that had been received relative to the proposed assessments. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:43 p.m.

Following discussion, Resolution No. 1 was introduced by Council Member Kelly, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to notice duly given as required by law, the City Council has met, heard and passed upon all objections to the proposed assessment for 1999 Street and Other Improvements, and has amended such proposed assessment as it deems just;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. Such proposed assessment, the sum of \$767,431.19, a copy of which is attached hereto (on file in the City Clerk's Office) and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein is hereby found to be benefited by the proposed improvement.

2. Such assessments shall be as follows:

A. The assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of said installments to be payable with general taxes for the year 2000, collectible with such

taxes during the year 2000.

B. To the first installment shall be added interest at the rate of six and fifty hundredths (6.50%) percent per annum on the entire principal amount of the assessment from the date of July 7, 1999, until December 31, 2000. To each subsequent installment, when due there shall be added interest for one year at said rate on the unpaid principal amount of the assessment.

C. The owner of any property so assessed may at any time prior to the certification of the assessment or the first installment thereof to the County Auditor (Treasurer), pay the whole of the principal amount of the assessment on such property with interest accrued to the date of payment to the City Clerk-Treasurer, except that no interest shall be charged if the entire assessment is paid by October 31, 1999; and such property owner may at any time prior to November 15, of any year, pay to the City Clerk-Treasurer the entire principal.

3. The City Clerk-Treasurer shall forthwith transmit a certified duplicate copy of this assessment to the County Auditor to be extended on the tax list of the County.

Dated this 5th day of May, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:44 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Municipal Code Section 6-59 Concerning Officers of the Willmar Fire Department. City Administrator Schmit presented details of the proposed Ordinance to the Mayor and Council. Warren Jorgenson and Rick Klavetter briefly addressed the Council, and Mayor Heitke closed the hearing at 7:53 p.m.

Council Member Kelly offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Municipal Code Section 6-59 Concerning Officers of the Willmar Fire Department. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

The Finance Committee Report of April 26, 1999, was presented to the Mayor and Council by Council Member Kelly. There were four items for Council consideration.

Item No. 1 Task Force Chairman Gary McDowell and Park & Leisure Director Johnson presented an outline of the scope of services that would be included in a Request for Proposal to study the Aquatic Center Task Force recommendations. The proposal would limit the scope of services to do the following tasks: analysis of site, utility utilization, storm water impact, design analysis, cost estimates for entire project, recommendation of site layout, schematic drawings of project, environmental impact assessment, and alternative suggestions.

Staff was recommending to temporarily fund the estimated planning costs from the Public Improvement Revolving Fund. The Committee was recommending to the Council that a resolution be passed approving the project budget at a not-to-exceed amount of \$17,500.00.

Resolution No. 2 was introduced by Council Member Kelly, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 2 - Council Members Christianson and Dokken voted "No."

RESOLUTION NO. 2

CAPITAL IMPROVEMENT AQUATIC CENTER

OTHER CHARGES:

Professional Services	\$15,000.00
Other Charges	<u>2,500.00</u>
Total:	\$17,500.00

RECEIVABLES:

City - P.I.R.	<u>\$17,500.00</u>
Total:	\$17,500.00

FINANCING

City - P.I.R.	<u>\$17,500.00</u>
Total:	\$17,500.00

Dated this 5th day of May, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee reviewed the final budget for 1999 Street Improvement Projects. The budget is based on bids received and approved previously by the Council. The Committee was recommending to the Council that a Resolution be passed approving the Final 1999 Project Budget as presented.

Resolution No. 3 was introduced by Council Member Kelly, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

1999 STREET & OTHER IMPROVEMENTS
FINAL BUDGET
ESTIMATED TOTAL COST \$1,690,000

PERSONNEL SERVICES:

Overtime Reg. Employees	\$ 500.00
Salaries Temp. Employees	6,000.00
Employer Pension Contr.	<u>1,500.00</u>
Total:	\$18,000.00

SUPPLIES:

Office Supplies	\$1,300.00
Small Tools	2,000.00
Motor Fuels & Lubricants	1,000.00
Postage	2,000.00
General Supplies	<u>3,500.00</u>
Total:	\$9,800.00

OTHER SERVICES:

Printing & Publishing	\$ 2,000.00
Mtce. of Other Impr.(Cntrt)	1,320,000.00
Other Services	<u>105,000.00</u>
Total	\$1,427,000.00

OTHER CHARGES:

Professional Services	\$ 15,000.00
Advertising	700.00
Adm. OH (Transfer)	
(8702 S & W \$8,400)	180,000.00
Other Charges	
(Bond-\$40,000, Other-\$10,000)	<u>\$ 50,000.00</u>
Total:	\$ 245,700.00

GRAND TOTAL: \$1,690,500.00

Dated this 5th day of May, 1999.

RECEIVABLES:

Property Owners -	
Assessments	\$775,000.00
City - MUC	40,000.00
City - WTP	50,500.00
City - C.I. Fund	0.00
City - State Aid	720,000.00
Other - Hospital	
Parking Lot	<u>105,000.00</u>
Total:	\$1,690,500.00

FINANCING:

Bonds	\$ 970,500.00
State	0.00
City-State Aid	<u>720,000.00</u>
Total:	\$1,690,500.00

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed a proposed budget calendar for the Year 2000, and was recommending to the Council to adopt the budget calendar. Council Member Kelly moved to approve the recommendation of the Finance Committee, with Council Member Fagerlie seconding the motion, which carried.

Item No. 4 The Committee listed the following items for future agendas: intergovernmental transfer with the Municipal Utilities Commission, Blue Line Club Building, and 1999 bonds. This matter was for information only.

The Finance Committee Report of April 26, 1999, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Kelly, seconded by Council Member Fagerlie, and carried.

The Labor Relations Committee Report of April 28, 1999, was presented to the Mayor and Council by Council Member Christianson. There was one item for Council consideration.

Item No. 1 The Committee continued its discussion of Public Safety issues including filling the soon to be vacated Public Safety Director's position. Additionally, the Committee talked about the pending Fire Marshal's retirement and its implications on Fire Department organizational issues.

The Committee reviewed a report from Public Safety Director Strootman reviewing public safety organizations in communities throughout the State and entertained comments and questions from those in attendance. Following discussion, the Committee was recommending to the Council that the Brimeyer Group, Inc., be retained by the City to assist in the search for a replacement Public Safety Director.

It was the consensus of the Committee that the City Administrator continue to research the matter of Fire Department organizational issues including the development and preparation of preliminary job descriptions for a full-time Fire Chief/Fire Marshal position. Fire Department organizational matters will continue to be discussed and reviewed by the Committee with any decisions made after receiving proper input from various interested parties.

The Committee briefly discussed the issue of updating officer job descriptions at the Willmar Fire Department, acknowledging that the Public Safety Director is working on this project pending previous Council directive.

Council Member Christianson moved the recommendation of the Committee to hire the Brimeyer Group to assist with filling the position of Public Safety Director. Council Member Reese seconded the motion. Following discussion, the motion and second were withdrawn and the matter referred back to Labor Relations.

The Labor Relations Committee Report of April 28, 1999, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Fagerlie, and carried.

Public Works Director Odens presented to the Mayor and Council a request from Willmar Ambulance to close the section of 2nd Street Southwest between Becker Avenue and the service drive leading into Rice Hospital. The intent is to park emergency vehicles in the area for an open house on May 19, 1999. Council Member Kelly moved to approve the Willmar Ambulance request with Council Member Reese seconding the motion, which carried.

The Mayor and Council considered an application for a Premise Permit Renewal for the American Legion Post 167. Following discussion, Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0, Council Member Dokken abstained from voting.

RESOLUTION NO. 4

REQUESTING THAT THE MINNESOTA CHARITABLE GAMBLING
CONTROL DIVISION APPROVE THE APPLICATION FOR A
PREMISE PERMIT RENEWAL FOR THE AMERICAN LEGION POST 167
OF WILLMAR, MINNESOTA

WHEREAS, the American Legion Post 167 has applied to the Minnesota Charitable Gambling Control Division to obtain a Premise Permit at 220 Southwest

19th Avenue, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the application for a Premise Permit for the American Legion Post 167 and respectfully requests that the Minnesota Charitable Gambling Control Division approve the Premise Permit to the American Legion Post 167.

Dated this 5th day of May, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

City Administrator Schmit presented to the Mayor and Council an update of the Dakota Telecommunications Group application for a cable franchise agreement. It was noted the City must prepare a request for proposal, design a proposed franchise document, and advertise an "Intent to Franchise." Staff was recommending that Brian Grogan of Moss & Barnett Law Firm be hired to assist the City and the Citizens Cable Advisory Committee in preparing a franchise documents. The cost of legal fees will be paid by the franchisee. Council Member Reese offered a motion to hire Brian Grogan of Moss & Barnett. Council Member Fagerlie seconded the motion, which carried.

The Mayor and Council considered an application from the Willmar Jaycees to sell non-intoxicating liquor during Willmar Fests week. Council Member Kelly moved to approve the temporary liquor permit with Council Member DeBlieck seconding the motion, which carried.

The Council briefly discussed the concept of developing an ordinance to deal with rights-of-way issues and referred the matter to the Community Development Committee for review and consideration.

Mayor Heitke acknowledged Frank Chapin's resignation from the Willmar Airport Commission.

Mayor Heitke briefly discussed the negotiation process with MUC officials to develop a new formula for the MUC's intergovernmental transfer payment. Council Members Kelly and DeBlieck were assigned to work with the City Administrator on this project.

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, May 11; Community Development, May 12; Cable Advisory, May 17; and Labor Relations, May 18, 1999.

There being no further business to come before the Council, the meeting adjourned at 8:40 p.m. upon motion by Council Member Kelly, seconded by Council Member Christianson, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL